

.,CITY COUNCIL
CITY OF WICHITA
K A N S A S

City Council Meeting
October 17, 2000, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

- Pride of the City Award – Music Theatre
- Youth Service Awards – Wichita’s Promise
- Distinguished Service Citations
- Proclamations

UNFINISHED BUSINESS

(10:00 a.m.)

1. Gate at Zimmerly and Dalton. (District II)

The City Council previously took action to open the gate for a one-year trial period. An evaluation of the results was conducted by the District Advisory Board.

RECOMMENDED ACTION: The District II Advisory Board recommends
re-installation of the gate.

NEW BUSINESS

2. [Petition](#) for Sanitary Sewer to Serve Fawnwood Addition and Two Unplatted Tracts, West of 135th Street West, North of Kellogg. (District V)

The signature on the petition represents one of two (50 percent) resident owners and 89.6 percent of the improvement district area.

RECOMMENDED ACTION: Approve the petition; adopt the Resolution.

3. [Tax](#) Exemption Request – Great Plains Ventures, Inc., and Great Plains Industries, Inc. (District I)

Kansas Board of Tax Appeals (BOTA) requires a new public hearing and Ordinance approving the original tax exemption plus an additional equipment exemption.

RECOMMENDED ACTION: Approve the tax exemption and first reading of the Ordinance.

4. Appeal of Denials of Certificates of Appropriateness: (District VI)

The applicants are appealing the Historic Preservation Committee recommendation of denial of Certificates of Appropriateness.

a) [1750](#) North Fairview.

b) [1757](#) North Fairview.

RECOMMENDED ACTION: Deny the appeals.

(11:00 a.m.)

5. [Repair](#) or Removal of Dangerous and Unsafe Structure – 1934 South St. Clair. (District IV)

The City Council adopted a Resolution providing for a public hearing on condemnation action.

RECOMMENDED ACTION: Close the public hearing; adopt the Resolution.

(11:00 a.m.)

6. [Proposed](#) Assessments for Paving, Water, Sewer, and Storm Sewer Projects in the February 2001 Bond Sale.

Notice of hearing has been published, and property owners have been notified of the proposed assessment hearing. City personnel held informal hearings on October 2nd and 9th, 2000.

RECOMMENDED ACTION: Close the public hearing; approve the assessments and first reading of the Ordinance.

7. Consultant Report on Homeless Services.

An Action Plan should be developed outlining action steps, funding, responsible party assignment, and completion time frame.

RECOMMENDED ACTION: Receive and file Report; authorize development and implementation of Action Plan.

CITY COUNCIL AGENDA

8. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

9. Proclamations:

RECOMMENDED ACTION: Authorize issuance of the Proclamations.

CONSENT AGENDA

10. Report of the Board of Bids and Contracts Dated October 16, 2000.

RECOMMENDED ACTION: Receive and file the report; approve the Contracts; authorize the necessary signatures.

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Gene Clasen	Checkers	245 East 47 th Street South
P.D. (David) Bairrington	Westway 66 #27217	2356 South Seneca
P.D. (David) Bairrington	North Rock 66 #27396	2190 North Rock
Brent P. Lathrop	Snacks	3733 North Arkansas

RECOMMENDED ACTION: Approve the licenses subject to Staff review and approval.

12. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

13. Preliminary Estimates:

- a) Broadway from Kellogg to Douglas (472-82412/705863/405140). Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$700,000.00- GO, \$1,300,000.00 - Federal. Total Estimated Cost- \$2,000,000.00
- b) Gypsum Creek Bikepath and Landscaping from Cessna Park to Douglas. (472-82573/706135/405167). Does not affect existing traffic. (District II) - \$142,000.00- GO, \$328,000.00 - Federal. Total Estimated Cost- \$470,000.00.
- c) Gypsum Creek Bikepath, from Cessna Park to Turnpike Drive. (472-82654/706267/405180). Does not affect existing traffic. (District II) - \$130,000.00- GO, \$340,000.00 - Federal. Total Estimated Cost- \$470,000.00.
- d) K-96 Bicycle/Pedestrian Path through Chisholm Creek Park and along K-96 from Oliver to the east city limits. (472-82675/706325/405186) Does not affect existing traffic. (Districts I/II) - \$225,000.00- GO, \$550,000.00 - Federal. Total Estimated Cost- \$775,000.00.
- e) Landscaping along I-235, from 13th Street North to Broadway. (472-82592/706358/405189) Does not affect existing traffic. (District VI) - \$70,000.00- GO, \$240,000.00 - Federal. Total Estimated Cost- \$310,000.00.
- f) Bullinger from 120' north of the north line of 26th Street North to the south line of 27th Street North to serve Northwest Heights, Quaker Heights, and Bullinger Gardens Addition to serve Northwest Heights, Quaker Heights, and Bullinger Gardens Additions - south of 27th Street North, west of Meridian. (472-83210/765629/490740) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$75,000.00
- g) Pepper Ridge, from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5; Pepper Ridge Courts serving Lots 45 through 50, Block 1, and serving Lots 51 through 59, Block 1, and; Sidewalk on the east side of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5 to serve Forest Lakes West to serve Forest Lakes West - north of 29th, east of Tyler. (472-82872/765649 /490760) Does not affect existing traffic. (District V) - \$250,000.00
- h) Sheridan from the north line of Douglas to the south line of Second Street; Mt. Carmel from the east line south line of 1st Street; 1st Street from the east line of Sheridan to the west line of St. Paul Avenue, and; Sidewalks on one side of each street to serve Woodlake Second Addition to serve Woodlake Second Addition - north of Douglas, east of Sheridan. (472-83238/765637/490748) Does not affect existing traffic. (District IV) - \$354,000.00
- i) Water main replacement in Jackson from 26th Street North to 27th Street North to serve F.C. McTaggart's Addition to serve F.C. McTaggart's Addition - south of 29th St. N., west of Broadway. (448-89442 /636097/770177) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$40,000.00
- j) Water distribution system to serve Huntcrest Second Addition to serve Huntcrest Second Addition - south of Harry, east of Webb. (448-89397/734977/470647) Does not affect existing traffic.(District II) - \$33,000.00
- k) Sanitary sewer reconstruction in connection with paving 26th Street North to serve Ramsey's Replat & F.C. McTaggart's Addition to serve Ramsey's Replat & F.C. McTaggart's Addition - south of 29th St.

(Item 13 continued)

North, east of Arkansas. (468-83121/620287/660412) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$48,000.00

- l) Lateral 166, Sanitary Sewer #22 to serve Bullinger Gardens to serve Bullinger Gardens - west of Bullinger, south of 27th Street North. (468-83086/743834/480522) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$14,840.00
- m) Lateral 32, District E, Sanitary Sewer No. 12 to serve Power C.D.C. Addition to serve Power C.D.C. Addition - south of 21st, west of Grove - (468-83055/743847/480535) Does not affect existing traffic. (District I) - \$5,940.00

RECOMMENDED ACTION: Approve and file.

14. Deeds and Easements:

- a) Sanitary Sewer Easement dated August 31, 2000 from Brady Nursery, Inc., a Kansas Corporation, for a tract of land in Lot 1, Block A, Brady Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- b) Sanitary Sewer Easement dated August 31, 2000 from Doonan Truck & Equipment, Inc., a Kansas Corporation, for a tract of land in Lot 1, Block A, Doonan Plaza II, Sedgwick County, Kansas and the SE 1/4 of Sec. 30, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- c) Sanitary Sewer Easement dated September 22, 2000 from 45th Street Properties, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lot 5, Block A, Willow Place, an Addition to Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- d) Utility Easement dated September 21, 2000 from George C. Bruce, Trustee of Heartland Community Church of Wichita, for a tract of land in Reserve "C", Cedar View Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- e) Drainage Easement dated July 28, 2000 from PB Enterprises, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lot 6, Block 1, Springdale Lakes Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- f) Sanitary Sewer Easement dated September 12, 2000 from Evangel Assembly of God, for a tract of land in Lot 1, Evangel Assembly of God Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- g) Sanitary Sewer Easement dated September 18, 2000 from A.W., L.L.C., a Kansas Limited Liability Company, for a tract of land in Lots 1 and 2, the Dugan Centre, an Addition, Wichita, Kansas (Private Project, OCA # 607861). No cost to City.
- h) Utility Easement dated July 28, 2000 from PB Enterprises, L.L.C., a Kansas Limited Liability Company, for a tract of land in Lots 9 and 10, Block 1, Springdale Lakes Addition, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.

RECOMMENDED ACTION: Receive and file.

15. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures/uses.

16. Agreements/Contracts:

- a) Professional services – Adamson.
- b) Professional services – Reinschmiedt.
- c) MOU – Cheney Reservoir Watershed.
- d) Respread assessments – Oak Ridge Second Addition, north of 29th Street North, east of Tyler. (District V)
- e) Art Museum expansion project management.
- f) Gypsum Creek Bike Path construction engineering. (District III)
- g) Settlement Agreement.

RECOMMENDED ACTION: Approve the Agreements/Contracts; authorize the necessary signatures.

17. Design Services Agreements:

- a) Supplemental – Northeast Soccer and Baseball Parking – 29th Street North and Greenwich Road. (District II)
- b) Supplemental – Northeast Transmission Facility, Phase II. (Districts I, II, and VI)
- c) K-96 Bikepath, Oliver to east City limits. (Districts I and II)
- d) Cessna Addition, south of K-42, east of Ridge Road. (District V)
- e) Supplemental – Two-Way Main Study, Douglas to Murdock. (District I and VI)
- f) Buckhead Third Addition, north of Central, west of 119th Street West. (District V)

RECOMMENDED ACTION: Approve the Agreements/Contracts; authorize the necessary signatures.

18. Release of Hardship Deferral Lien – Special Assessments.

RECOMMENDED ACTION: Approve release and authorize the necessary signatures.

19. [Utility Easements for Sanitary Sewer.](#) (District V)

RECOMMENDED ACTION: Receive and file.

20. [Emergency Shelter for the Homeless.](#) (District VI)

RECOMMENDED ACTION: Approve the funding and authorize the necessary signatures.

21. [Section 8 Homeownership Program.](#)

RECOMMENDED ACTION: Approve the revisions.

22. [Improvements to Woodchuck, from Learjet Way to Kellogg, and Learjet Way, from Mid Continent Drive to 1800 Feet West of Mid Continent Drive.](#) (District V)

RECOMMENDED ACTION: Approve the project and first reading of the Ordinance.

23. [Purchase of Camera Transporter – Water and Sewer Department.](#)

RECOMMENDED ACTION: Approve the purchase.

24. [Property Acquisition:](#)

- a) [Portion](#) of northwest corner of Kellogg and Woodchuck for the West Kellogg/Tyler and Maize Highway Improvement Project. (District V)
- b) [1530](#) South Maize Road for the West Kellogg/Tyler and Maize Highway Improvement Project. (District V)
- c) [Portion](#) of Northeast corner of Kellogg and Maize Road for the West Kellogg/Tyler & Maize Highway Improvement Project. (District V)

RECOMMENDED ACTION: Approve the budgets and Contracts; authorize the necessary signatures.

25. [Repair or Removal of Dangerous and Unsafe Structure – 915 East 9th Street.](#) (District I)

RECOMMENDED ACTION: Adopt the Resolution setting the Public Hearing on December 12, 2000, at 11:00 a.m.

26. Second Reading Ordinances: (First read October 3, 2000)

a) Tax exemption – JR Custom Metal Products, Inc. (District IV)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of JR Custom Metal Products, Inc., so exempted.

b) Lawn Sprinkling Code (Title 17) – repeal of surety bond requirements for licensed lawn sprinkler contractors.

An Ordinance amending Section 17.08.015 of the Code of the City of Wichita, Kansas, and repealing the originals thereof; all pertaining to the Lawn Sprinkling Code of the City of Wichita, Kansas.

c) K-96 Bikepath, Gypsum Creek Bikepaths, I-235 Landscaping, and Broadway, between Kellogg and Douglas. (Districts I, II, and VI)

An Ordinance amending Ordinance No. 44-213 of the City of Wichita, Kansas, declaring Broadway, from Kellogg to Douglas (472-82412) to be a main trafficway within the City of Wichita, Kansas; declaring certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

d) A 99-33 – north and south of 71st Street South, between Hillside Avenue and the Big Arkansas River. (District III)

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas. A 99-33

(First read September 19, 2000)

e) Industrial Revenue Bonds – Voicestream Wireless Project)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$7,500,000 aggregate principle amount of taxable Industrial Revenue Bonds, Series IV-A, 2000 (Voicestream Wireless Project) and \$2,644,764.18 aggregate principal amount of subordinated taxable Industrial Revenue Bonds, Series IV-B, 2000 (Voicestream Wireless Project) for the purpose of providing funds to acquire, construct and equip a customer service call center; prescribing the form and authorizing execution of a trust indenture by and between the City and Commerce Bank, N.A., as Trustee with respect to each series of the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and VSD Property, L.L.C.; approving the form of a guaranty agreement; approving the sublease of the project to Voicestream Wireless Corporation; authorizing the execution of a subordination, non-disturbance and Attornment Agreement by and among the City, VS Property, LLC, and Voicestream Wireless Corporation; authorizing the execution of a Series A Bond Placement Agreement by and among the City, VS Property L.L.C., and Froggatte & Company, as placement agent for the Series IV-a, 2000 Bonds and authorizing the execution of a Series B Bond Placement Agreement by and between the City and VS Property, L.L.C., as purchaser of the Series IV-B, 2000 Bonds.

RECOMMENDED ACTION: Adopt the Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

- *27. DED 2000-24 – Dedication of a Utility Easement Located on the Southwest Corner of Pawnee and Oliver.
(District III)

RECOMMENDED ACTION: Accept the Dedication.

- *28. VAC2000-00035 – Vacate Portion of Building Setback Located at the Northwest Corner of 47th Street South and Broadway. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order; authorize necessary signatures.

- *29. VAC2000-00036 – Vacate Building Setback and Utility Easement Located at the Southwest Corner of Central and Rock. (District II)

RECOMMENDED ACTION: Approve the Vacation Order; authorize necessary signatures.

- *30. VAC2000-00039 – Vacate Portion of Building Setback Located at the Northwest Corner of Central and Woodchuck. (District V)

RECOMMENDED ACTION: Approve the Vacation Order; authorize necessary signatures.

- *31. S/D 00-07 Plat of Zoo Business Park Located on the North Side of 21st Street North, East of Hoover Road.
(District V)

RECOMMENDED ACTION: Approve the documents and plat, and first reading of the Ordinance; authorize the necessary signatures; adopt the Resolutions.

- *32. S/D 99-28 Plat of Lambert-Baird Second Addition Located on the North Side of 47th Street South, West of Oliver.
(Sedgwick County)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions.

- *33. [S/D 99-84 Plat of Ridge Port Third Addition Located North of 29th Street North, East of Ridge Road.](#) (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions.

- *34. [SUB2000-51 Plat of Bellows Addition Located North of I-235, on the East Side of Seneca.](#) (District VI)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions.

35. [CUP2000-00030; DP-203 – Amendment #1 – Amend Whispering Brook CUP to Adjust the Number, Sizes, and Uses of Parcels to Adjust Access Control and Change Signage Restrictions, Located on the Southwest Corner of 37th Street North and Woodlawn.](#) (District I)

MAPC Recommendation: Approve, Subject to replatting within one year and conditions.

Staff Recommendation: Approve, Subject to replatting within one year and conditions.

DAB I Recommendation: See comments.

RECOMMENDED ACTION: Approve subject to conditions.

- *36. [ZON2000-00035 – Zone Change from Single-Family Residential to Neighborhood Retail and General Office, Generally Located on the West Side of Tyler Road Approximately 1/3 Mile South of Central – 427 North Tyler.](#) (District V)

RECOMMENDED ACTION: Approve the zone change, subject to additional provisions of Protective-Overlay #79 and platting within one year; forward Ordinance for first reading when plat is forwarded to the City Council.

37. [ZON2000-00038 – Zone Change from Single-Family Residential to Limited Commercial District, Located on the Northwest Corner of Maple and Bebe.](#) (District IV)

RECOMMENDED ACTION: Approve the zone change; subject to conditions of platting; forward Ordinance for first reading when plat is forwarded to the City Council.

- *38. [ZON2000-00037 – Zone Change from Multi-Family Residential to Neighborhood Office, Located on the Southeast Corner of Second Street North and Tyler Road.](#) (District V)

RECOMMENDED ACTION: Approve the zone change subject to condition of dedicating access control and cross-lot access; forward Ordinance for first reading when plat is forwarded to the City Council.

- *39. [ZON2000-00040 – Zone Change From Multi-Family Residential to Limited Commercial, Generally Located North of 50th Street South and West of Seneca.](#) (District IV)

RECOMMENDED ACTION: Approve the zone change and first reading of the Ordinance.

- *40. [Metropolitan Area Planning Commission Bylaws.](#)

RECOMMENDED ACTION: Approve amendments to the Bylaws.

- *41. [A 00-16 – Resolution Establishing a Public Hearing on Annexation of Eligible Properties Generally Located South of 55th Street South, from West of Seneca to the East and West of Grove.](#) (Districts III and IV)

The Resolution establishes a public hearing date on December 19, 2000, at 7:00 p.m., at the Machinist's Union Hall, 3830 South Meridian, Wichita, Kansas.

RECOMMENDED ACTION: Accept the Service Extension Plan and adopt the Resolution.

- *42. [A 00-19 – Request to Annex Land Generally Located at the Northwest Corner of 21st Street North and 127th Street East.](#) (District II)

RECOMMENDED ACTION: Approve the annexation and first reading of the Ordinance.

Adjournment
